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Paper No. 6

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In re Application of
Gideon P. Stein
Application No. 09/723,755
Filed: November 26, 2000
Title of Invention: SYSTEM AND METHOD
FOR DETECTING OBSTACLES TO VEHICLE
MOTION AND DETERMINING TIME TO
CONTACT THEREWITH USING
SEQUENCES OF IMAGES

COPY MAILED

SEP 03 2002

OFFICE OF PETITIONS

DECISIONS ON PETITIONS
UNDER 37 CFR 1.48 AND 1.137(B)

This is in response to the "Petition to Change Inventorship" which is being treated under 37 CFR §1.48 and the petition to revive filed under 37 CFR 1.137(b). Both petitions were filed on June 10, 2002.

The petition filed under 37 CFR 1.48 is Dismissed.
The petition filed under 37 CFR 1.137(b) is Dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. FAILURE TO TIMELY RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION. The reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.48 and 1.137(b)."

The above-identified application was filed on November 26, 2000, without an executed oath or declaration. Accordingly, on March 30, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a \$65.00 surcharge for its late filing.

In response, on June 10, 2002, applicant filed a \$65.00 surcharge, a petition to change inventorship, a petition to revive, the declaration of Annon Shashua in support of the change of inventorship and a declaration executed by inventor Gideon Stein. The petition under 37 CFR 1.48 will be addressed first.

Petition Under 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(l); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee. Petitioner has failed to meet requirement (2).

Although Annon Shashua provided a statement indicating he is not an inventor for the above-identified application, Mr. Shashua did not indicate the error in inventorship occurred without deceptive intention on his part. As such the declaration of Mr. Shashua does not meet the requirements.

Petition Under 37 CFR 1.137(b)

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D). Petitioner has failed to meet requirement (1).

Petitioner has failed to provide the required reply which is a grantable petition under 37 CFR 1.47, 1.48 or a fully executed declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy